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Burt Magen
Vierra Magen Marcus Harmon & DeNiro, LLP
685 Market Street, Suite 540
San Francisco, CA 94105-4206

EXAMINER
TRAN, NGHI V

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/955,665	BUSAM ET AL.
	Examiner	Art Unit
	Nghi V. Tran	2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>29 June 2005</u>.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-24,26,28-43,45 and 47-57* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-24,26,28-43,45 and 47-57* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-4, 7, 9-12, 15-16, 18, 22-23, 28-29, 32-35, 37, 40-42, 47-48, 51-53, and

56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vilhuber, U.S.

Patent No. 6,470,453, in view of Huang et al., U.S. Patent No 6,571,245 (hereinafter

Huang).

3.   With respect to claims 1, 15, 18, 23, 28, 34, 37, 42, 47-48, 51, , and 53, Vilhuber

a method for communicating data [see abstract and figs.1-4], comprising the steps of:

- receiving a request from a source device [102 i.e. client] to access a network

    of devices [col.5, lns.38-45], said network of devices includes a first set of

    devices, which said source device is authorized to access [i.e. "user access

    privileges (user privileges) based on the supplied user access information"],

    and which have been authenticated base on an associated identifier [], and a

    second set of devices, which said source device is not authorized to access

    [col.9, lns.8-27 i.e. "a set of devices not authorized to access" is interpreted

as "can be used by to connect to the network access server and thereby gain

unauthorized access to the network system"], said first set of devices being

distributed across a global network [col.5, lns.46-55 and col.6, lns.35-40 i.e.

"a global network" is interpreted as "a communication channels" which may

form part of a WAN];

- responsive to said determining step, allowing [i.e. assigned] communication

  between said source device and said first set of devices, and not allowing

  communication between said source device and said second set of devices

  [col.5, ln.66 - col.6, ln.18].

However, Vilhuber does not explicitly show determining that said source device is

authorized to access said first set of devices based on a correspondence between an

identifier of said source device and said associated identifier.

In a method for communicating data, Huang discloses determining [i.e.

comparing] that said source device is authorized to access said first set of devices

based on a correspondence between an identifier of said source device and said

associated identifier [fig.13A-B and col.14, ln.57 - col.15, ln.67].

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify Vilhuber in view of Huang by determining that

said source device is authorized to access said first set of devices based on a

correspondence between an identifier of said source device and said associated

identifier because this feature provides by the use of a secured login process [Huang,

col.15, lns.66-67]. It is for this reason that one of ordinary skill in the art at the time of

the invention would have been motivated in order to grant access if the login information

match [Huang, col.15, lns.5-6].

4.   With respect to claims 2, 29, and 48, Vilhuber further teaches said identifier

associated with said source device comprises [102 i.e. client] a first user identification

[col.8, lns.9-10 i.e. "a user identification" is interpreted as "a valid username"]; said first

set of devices use said first user identification [col.8, lns.11-19]; and said second set of

devices do not use said first user identification [col.7, lns.18-23].

5.   With respect to claim 3, Vilhuber further teaches authenticating said device

based on said first user identification and a first password [col.8, lns.8-19], said step of

allowing is performed in response to said step of authenticating [col.8, lns.20-46].

6.   With respect to claims 4 and 7, Vilhuber is silent on transmitting a search request

to said first set of devices; performing searches at said first set of devices based on said

search request; and providing results from said searches.

In a method of communication, Huang discloses transmitting a search request to said

first set of devices; performing searches at said first set of devices based on said search

request; and providing results from said searches [col.10, lns.15-26 and figs.6-9].

        Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify Vilhuber in view of Huang by requesting,

performing, and providing searches within a network because this feature allows the

user to search for other users who consider this users as their friend [Huang, col.10,

lns.24-25]. It is for this reason that one of ordinary skill in the art at the time of the

invention would have been motivated to modify Vilhuber in view of Huang in order to

see a list of publish files available [Huang, col.10, lns.20-21].

7.   With respect to claim 9, Vilhuber does not explicitly show said step of allowing

communication includes transferring items, streaming items, searching for items, and

viewing a list of items.

In a method of communication, Huang discloses said step of allowing

communication includes transferring items, streaming items, searching for items, and

viewing a list of items [col.8, ln.63 - col.10, ln.60].

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify Vilhuber in view of Huang by allowing

communication includes transferring items, streaming items, searching for items, and

viewing a list of items because this feature provides a "virtual" computing environment

such that the user sees the same desktop with which the user is accustomed, has

access to the same applications and files, and enjoys the same amenities regardless of

the computer system on which the user gains access [Huang, col.1, lns.35-40]. It is for

this reason that one of ordinary skill in the art at the time of the invention would have

been motivated in order to setup with identical desktop, applications, and file

management system such that the user sees the same interface and has access to the

same resources from any one of the computer systems connected to the network

[Huang, col.1, ln.64 - col.2, ln.1].

8.   With respect to claims 10, 40, and 56, Vilhuber further teaches said step of

allowing communication includes sending a command from said source device [102 i.e.

client] to one or more devices of said first set of devices [114 i.e. network device] [col.7,

lns.18-22 i.e. "sending a command" is inherent because "a particular user is authorized

to access the network"].

9.   With respect to claims 11, 32, and 51, Vihuber further teaches said step of

allowing communication includes sending a command from said source device [102 i.e.

client] to an intermediate server [104 i.e. network access server] and forwarding said

command from said intermediate server to one or more devices of said first set of

devices [114 i.e. network device] [col.7, lns.18-22 i.e. "sending a command" is inherent

because "a particular user is authorized to access the network through network access

server"].

10.   With respect to claims 12, 16, 22, 33, 35, 41, 52, and 57, Vihuber does not

explicitly show said creating a playlist comprises creating a playlist of items on different

type of device.

In a method for communicating data, Huang discloses said creating a playlist comprises creating a playlist of items on different type of device [col.2, ln.16 - col.3, ln.4].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Vilhuber in view of Huang by creating a playlist of items on different type of device because this feature provides a list of applications available to the user [Huang, col.2, ln.51]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to setup with identical desktop, applications, and file management system such that the user sees the same interface and has access to the same resources from any one of the computer systems connected to the network [Huang, col.1, ln.64 - col.2, ln.1].

11.   Claims 5, 6, 8, 17, 19-21, 24, 26, 30-31, 36, 38-39, 43, 45, 49-50, and 54-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vilhuber and Huang as applied to claims 1, 15, 18, 23, 28, 34, 37, 42, 47, and 53 above, and further in view of London, U.S. Patent No. 6,061,734.

12.   With respect to claims 5, 6, 8, 17, 19-21, 24, 26, 30-31, 36, 38-39, 43, 45, 49-50, and 54-55, Vilhuber and Huang do not explicitly show receiving, at an intermediate entity, and from said source device, a request to search; forwarding said request to search from said intermediate entity to said first set of devices; performing searches at said first set of devices based on said request to search; attempting to provide results

from said searches directly to said source device from said first set of devices via direct connection which bypass said intermediate entity; and providing said result from said searches to said source device from said first set of devices via said intermediate entity if said direct connections cannot be established, said intermediate entity performs said step of receiving a request to access a network of devices.

In a method for communicating data, London discloses receiving, at an intermediate entity, and from said source device, a request to search; forwarding said request to search from said intermediate entity to said first set of devices; performing searches at said first set of devices based on said request to search; attempting to provide results from said searches directly to said source device from said first set of devices via direct connection which bypass said intermediate entity; and providing said result from said searches to said source device from said first set of devices via said intermediate entity if said direct connections cannot be established, said intermediate entity performs said step of receiving a request to access a network of devices [figs.6-7; col.9, ln.17 - col.10, ln.48; col.1, ln.12 - col.2, ln.65].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Vilhuber and Huang, and further in view of London by attempting to provide results from said searches directly to said source device from said first set of devices via direct connection which bypass said intermediate entity; and providing said result from said searches to said source device from said first set of devices via said intermediate entity if said direct connections cannot be established, said intermediate entity performs said step of receiving a request

to access a network of devices because this feature is useful in efficiently routing

message in a network [London, see abstract]. It is for this reason that one of ordinary

skill in the art at the time of the invention would have been motivated in order to reduce

amount of network traffic and reduce the burden on the proxy server [London, col.1,

lns.49-50 and col.2, ln.22-23].

13.   Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over all

Vilhuber, and Huang, as applied to claim 1 above, and further in view of Dreke et al.,

U.S. Patent No. 6,463,471 (hereinafter Dreke).

14.   With respect to claim 13, Vilhuber is silent on establishing said network of

devices without using a server.

       In a method of communication, Dreke discloses establishing said network of

devices without using a server [fig.3].

       Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify both Vilhuber and Huang in view of Dreke by

establishing said network of devices without using a server because this feature

reduces burden on a central server. It is for this reason that one of ordinary skill in the

art at the time of the invention would have been motivated in order to distributed file

sharing system in a network using database synchronization.

15.   Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over all

Vilhuber, Huang, and Dreke as applied to claim 13 above, and further in view of Levy,

U.S. Patent Application Publication No. 2002/0052885.

16.   With respect to claim 14, Vilhuber is silent on broadcasting from a first device;

listening for other devices, performed by said first device; broadcasting from a second

device; listening for other devices, performed by said second device; establishing a

connection between said second device and said first device; authenticating said first

device and said second device; broadcasting from a third device; listening for other

devices, performed by said third device; establishing a connection between said second

device and said third device; authenticating said second device and said third device;

establishing a connection between said third device and said first device; and

authenticating said first device and said third device.

        In a method of communication, Levy discloses broadcasting [page 3, paragraph

0033 i.e. "having the computer broadcast their event logs to each other"] from a first

device [i.e. 104]; listening [i.e. "maintain a copy of the event log, which is synchronized

upon each broadcast operation"] for other devices, performed by said first device;

broadcasting from a second device [i.e. 106]; listening for other devices, performed by

said second device; establishing a connection between said second device and said

first device; authenticating said first device and said second device; broadcasting from a

third device; listening for other devices, performed by said third device; establishing a

connection between said second device and said third device; authenticating said

second device and said third device; establishing a connection between said third

device and said first device; and authenticating said first device and said third device.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify Vilhuber in view of Levy by establishing and

authenticating among first, second, and third device in a network using broadcasting

and listening because this feature reduces burden on a central server. It is for this

reason that one of ordinary skill in the art at the time of the invention would have been

motivated to modify in order to distributed file sharing system in a network using

database synchronization.

Response to Arguments

17.   Applicant's arguments with respect to claims 1-57 have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

18.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

19.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-

4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free).

Nghi V Tran
Patent Examiner
Art Unit 2151

ZARNI MAUNG
NT   SUPERVISORY PATENT EXAMINER